



Board of Adjustment Case Report

City of Raleigh
Department of City Planning
One Exchange Plaza
Raleigh, NC 27601
(919) 996-2475
www.raleighnc.gov

Case File: A-64-15

Property Address: 3713 Eck Drive

Property Owner: Stephen and Janet Miller

Project Contact: Stephen Miller

Nature of Case: A request for an 18.3' primary street yard setback variance from the Residential Infill Compatibility requirements set forth in Section 2.2.7.C of the Unified Development Ordinance to allow for a front-facing addition to a detached house resulting in a 38.75' street yard setback on a .78 acre property zoned Residential-6 located.



3713 Eck Drive – Location Map

To BOA: 8-10-15

Staff Coordinator: Eric S. Hodge, AICP

**ZONING
DISTRICTS:** Residential-6



3713 Eck Drive – Zoning Map

VARIANCE STANDARDS: In accordance with UDO [§10.2.10 Variance](#), before a variance request is granted, the Board of Adjustment shall show all of the following:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

2.2.7 Residential Infill Compatibility

A. Intent

The intent of the residential infill compatibility standards is to accommodate and encourage compatible development in existing residential neighborhoods, while reinforcing the established character of the neighborhood and mitigating adverse impacts on adjacent homes.

B. Applicability

1. The standards contained within this section apply to any building in an R-4, R-6 or R-10 district where all of the following are present:

- a. The total site area is 5 acres or less;
- b. At least 50% of the side and rear property lines abut existing detached or attached building types; and
- c. The lot must have been recorded for at least 20 years. This time period includes subsequent recombinations or subdivisions of the original lot configuration or recordation.

2. These infill compatibility rules do not apply in a General or Streetside Historic Overlay District or in a Neighborhood Conservation Overlay District where height is regulated.

C. Street Setback

1. The proposed building must be located within the range of setbacks, no closer than the smallest setback in the range and no further than the largest setback in the range, except where a Neighborhood Conservation Overlay District applies an alternate setback.
2. On an interior lot, the range of setbacks is measured on the basis of the 2 closest lots in either direction along the block face. **(The range of allowable setbacks in this case is between 56.8' & 75.8')**
3. On a corner lot, the range of setbacks is measured on the basis of the 3 closest lots along the primary block face.
4. Where the calculation cannot be applied to at least 4 lots on an interior lot or 3 lots on a corner lot, the building must meet the district standards.

Zoning District Setback Standards: The subject property is zoned Residential-6

<u>Yard Type</u>	<u>Minimum Setback</u>
Primary Street	10'
Side Street	10'
Side	5'
Sum of Sides	15'
Rear	20'



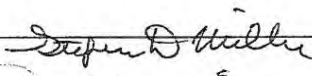
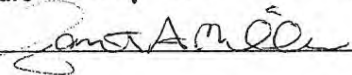
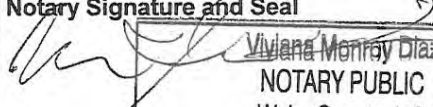
Planning & Development

Development Services
Customer Service Center
One Exchange Plaza
1 Exchange Plaza, Suite 400
Raleigh, North Carolina 27601
Phone 919-996-2495
Fax 919-516-2685

Variance Application

A-64-15

		OFFICE USE ONLY
Nature of variance request (Submit addendum on separate sheet, if more space is needed.) Variance to the setback requirements of section 2.2.7, Residential Infill Compatibility, of the Raleigh UDO to allow for an addition to an existing structure per the plot plans. The shape of the lot, location of septic and existing improvements limit the placement of the new addition.		Transaction Number
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences. If this property was the subject of a previous variance request, provide the case number.		

GENERAL INFORMATION		
Property Address 3713 Eck Drive		Date 7/8/2015
Property PIN 1725516766	Current Zoning R-6	
Nearest Intersection Doran Pl. and Eck Dr.		Property size (in acres) 0.787
Property Owner Stephen D. & Janet A. Miller	Phone 919-850-0901	Fax
	Email stephenjanet@bellsouth.net	
Project Contact Person Stephen Miller	Phone 919-850-0901	Fax
	Email stephenjanet@bellsouth.net	
Property Owner Signature  	Email stephenjanet@bellsouth.net	
Notary Sworn and subscribed before me this <u>8</u> day of <u>July</u> , 20 <u>15</u>	Notary Signature and Seal  Viviana Monroy Diaz NOTARY PUBLIC Wake County, NC My Commission Expires October 06, 2018	

It is improper to contact any member of the Board of Adjustment prior to the disposition of a case to discuss the request. A variance application will not be considered complete until all required submittal components listed on the Variance Checklist have been received and approved.



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Variance Checklist

TO BE COMPLETED BY APPLICANT	YES	N/A
PRE-SUBMITTAL REQUIREMENTS		
1. Pre-Application Conference with staff	✓	
2. Completed Variance Intake Requirements sheet	✓	
3. Variance applications shall be submitted to the Zoning Division, 4 th floor of One Exchange Plaza	✓	
VARIANCE REQUIREMENTS		
1. The property owner must be the applicant.	✓	
2. A signed, notarized application and submittal fee are required.	✓	
3. The applicant must submit stamped envelopes addressed to the property owners within 100 feet of the subject property. City staff will mail the public hearing notices.	✓	
4. The Board of Adjustment conducts a quasi-judicial hearing. You may not contact the Board members once the application has been filed.	✓	
5. The Board of Adjustment is not empowered to modify zoning lines or grant a use variance.	✓	
6. The Board of Adjustment may attach conditions of approval to a variance to protect surrounding properties.	✓	
7. City Staff will place a public hearing sign on the subject property. The sign must be prominently displayed on the property for at least ten days before the hearing. The property owner is responsible for maintaining the sign during this ten day period. The owner must return the sign to city staff within three days of the hearing. The owner will be charged \$45 for any sign not returned.	✓	
VARIANCE CONSIDERATIONS		
The Board of Adjustment will review all variance requests against the following showings:		
1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made from the property.	✓	
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.	✓	
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.	✓	
4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.	✓	

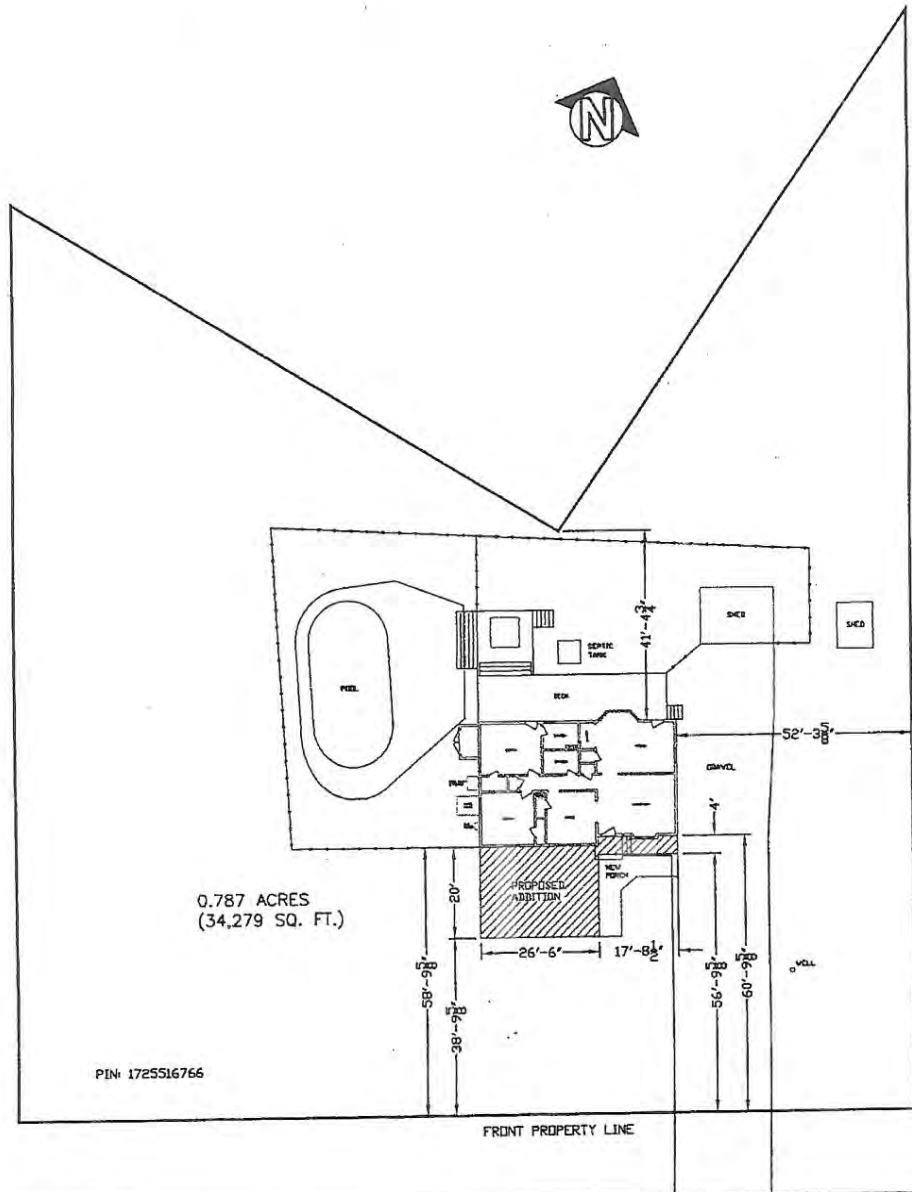


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Variance Intake Requirements

TO BE COMPLETED BY APPLICANT			COMPLETED BY CITY STAFF		
	YES	N/A	YES	NO	N/A
General Requirements – Variance					
1. I have referenced the Variance Checklist and by using this as a guide, it will ensure that the application is processed in a timely manner	<input checked="" type="checkbox"/>				
2. Variance application review fee (see Development Fee Schedule for rate)	<input checked="" type="checkbox"/>				
3. Completed, notarized application signed by the property owner	<input checked="" type="checkbox"/>				
4. One set of stamped envelopes addressed to all property owners within 100 feet of the subject property	<input checked="" type="checkbox"/>				
5. List of all adjacent property owners	<input checked="" type="checkbox"/>				
6. Plot Plan drawn to scale, containing a north arrow, area of lot, location of all existing improvements and use areas, location of proposed improvements, location of any constraints such as flood plain area, tree conservation area, buffer yards, easements, and sight distance triangles	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
7. If the variance request involves a structure, sign or fence, architectural elevations must be submitted	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
8. If the property has been cited by a Code Enforcement Officer, include a copy of the citation	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
9. Is variance needed to legalize an existing improvement?	<input type="checkbox"/>	<input checked="" type="checkbox"/>			



Miller
3713 Eck Drive
(h) 919-850-0901
(c) 919-946-0268
stephenjanet@bellsouth.net

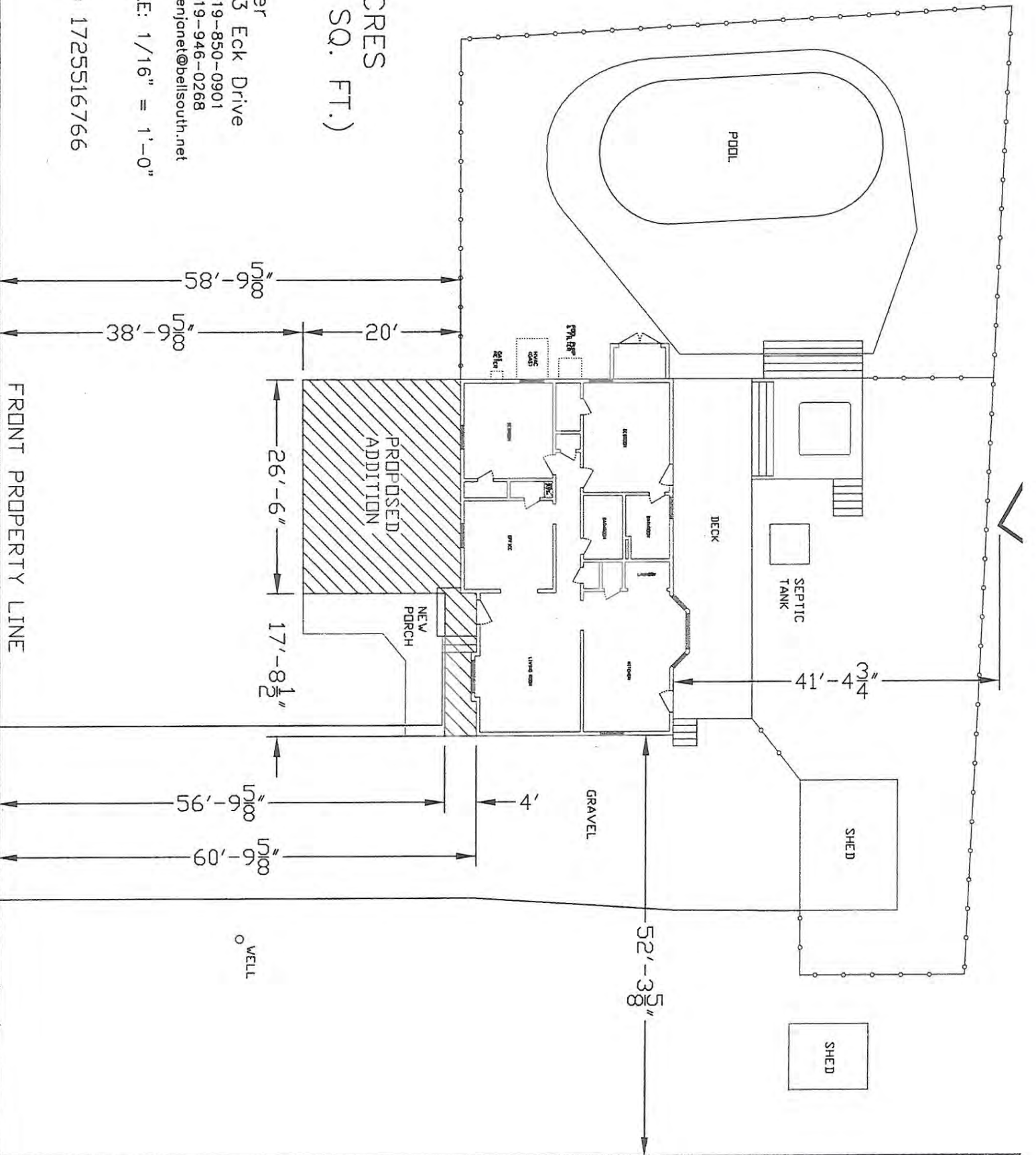
SCALE: 1/32" = 1'-0"

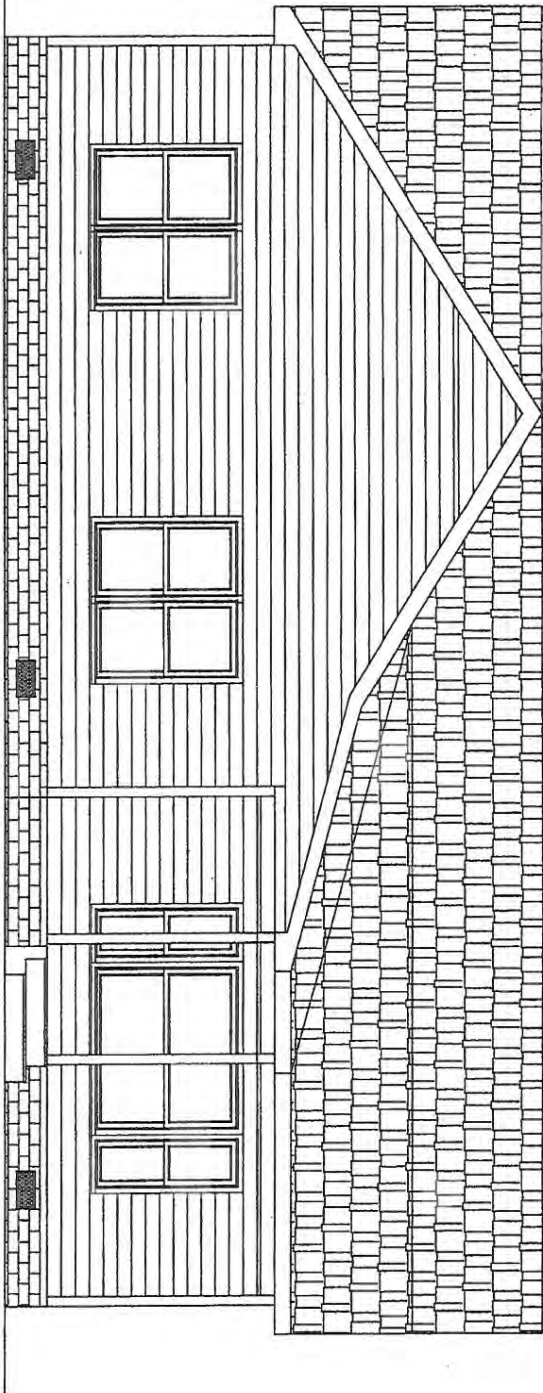
0.787 ACRES
(34,279 SQ. FT.)

Miller
3713 Eck Drive
(h) 919-850-0901
(c) 919-946-0268
stephenjanet@bellsouth.net

SCALE: 1/16" = 1'-0"

PIN: 1725516766





FRONT ELEVATION
SCALE: 1/8" = 1'-0"

BLUE
ARCHITECTS
COMMERCIAL CONSTRUCTION

7811 SHAWNEE ROAD, SUITE 200
OFFICE: 919.414.0000 FAX: 919.414.0001
EMAIL: info@bluearchitects.com
WEB: www.bluearchitects.com

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THE ARCHITECT SHALL
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ANY CONSEQUENCES
RESULTING FROM SUCH
USE.

WORK ORDER / 01015-01

DATE: 01/30/2015

DRAWN BY: MJA
CHECKED BY: MJA

CLIENT:

Steve Miller
3117 Oak Lane
RALEIGH, NC 27607
919.946.0028

PROJECT:

House Addition, Remodel

PROJECT NUMBER: 01015-01
PROJECT NAME: Steve Miller

CLIENT: Steve Miller
PROJECT: SFD Addition
LOCATION: RALEIGH, NC

A7.0



WORK ORDER # 031615-01

DATE: 04/30/2015

DRAWN BY: MEA
CHECKED BY: MEA

CLIENT:

Steve Miller
3717 Eck Drive
RALEIGH, NC 27605
919.946.0268

PROJECT:

House Addition, Remodel

BRUNNEN/PROLOGIT FUSIONEN
David Wedvitz
BA 0000 00000
031015-01

CLIENT:	Steve Miller
PROJECT:	SFD Addition
LOCATION:	RALEIGH, NC

A8.0

R SIDE ELEVATION

SCALE: 1/8" = 1'-0"



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DRAWINGS ARE PROVIDED TO
CLIENT FOR A CONTRACTUAL
ONE TIME USE ONLY.

WORK ORDER # 031615-01

DATE: 04/30/2015

DRAWN BY: MEA
CHECKED BY: D

CLIENT:

Steve Miller
3717 Eck Drive
RALEIGH, NC 27601
919.946.0268

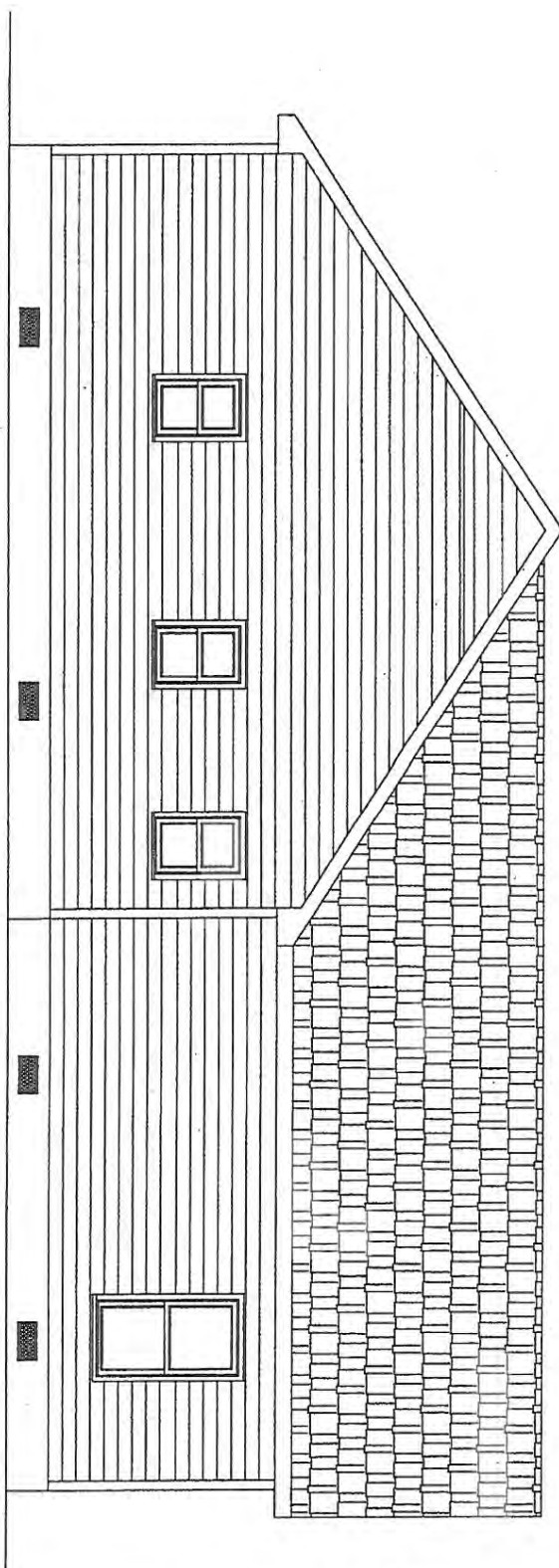
PROJECT

House Addition, Remodel

EXPLOSIVE PROTECTIVE WEAR
 David Weidelt
 031815-01

CLIENT:	Steve Miller
PROJECT:	SFD Addition
LOCATION:	RALEIGH, NC

A9.0



L SIDE ELEVATION

SCALE: 1/8" = 1'-0"



3713 Eck Drive



1725516766
MILLER, STEPHEN D MILLER, JANET A
3713 ECK DR
RALEIGH NC 27604-4554

1725514858
MONTAGUE, INEZ H
GLENN C MONTAGUE
816 OXGATE CIR
RALEIGH NC 27615-1474

1725515703
CHAREST, JAMES H /TR
1200 CAROLINE ST
WINCHESTER VA 22601-2904

1725515980
ROSEMAN, JEFFERY TODD
3665 WICKERSHAM WAY
RALEIGH NC 27604-4064

1725516541
TOPAL, MICHELLE B
3700 ECK DR
RALEIGH NC 27604-4034

1725517568
ADAMS, LYNETTE MARVELYN
816 WOODLAND RD
RALEIGH NC 27603-4746

1725517570
ADAMS, LYNETTE MARVELYN
816 WOODLAND RD
RALEIGH NC 27603-4746

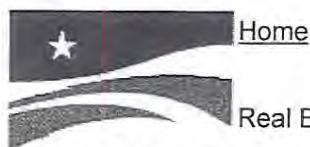
1725517876
TEPFER, JOAN M TEPFER, PETER H
3801 ECK DR
RALEIGH NC 27604-4035

1725518962
JEWELL, PHILIP A JEWELL, GEORGE A
25929 FREDERICK RD
HYATTSTOWN MD 20871-9600

1725519664
GODWIN, ANNETTE L
3800 ECK DR
RALEIGH NC 27604-4036

1725526002
EMANUELE, MARIA
3661 WICKERSHAM WAY
RALEIGH NC 27604-4064

1725528250
ALLEN, MICHAEL K
C/O LUKE C ALLEN JR
3714 MARSH CREEK RD
RALEIGH NC 27604-4105

[Home](#)

Wake County Real Estate Data Account Summary

[iMaps](#)[Tax Bills](#)Real Estate ID **0015375** PIN # **1725516766**[Account Search](#)Location Address
3713 ECK DR

Property Description

LO3A BLK19 S 4 SKYCREST VILL BM1984-00831[Pin/Parcel History](#) [Search Results](#) [New Search](#)**WAKE
COUNTY**

NORTH CAROLINA

[Account](#) | [Buildings](#) | [Land](#) | [Deeds](#) | [Notes](#) | [Sales](#) | [Photos](#) | [Tax Bill](#) | [Map](#)

For real estate accounts created or new construction built after January 1, 2015: Property values are under review for tax year 2016. Land and building values on these properties will reflect an assessment based on the January 1, 2008 Schedule of Values until late 2015 or early 2016 at which time the January 1, 2016 revaluation values for both land and buildings will be available.

Property Owner MILLER, STEPHEN D & JANET A Use the Deeds tab above to view any additional owners		Owner's Mailing Address 3713 ECK DR RALEIGH NC 27604-4554	Property Location Address 3713 ECK DR RALEIGH NC 27604-4554
Administrative Data Old Map # 467-00000-0367 Map/Scale 1725 19 VCS 17RA027 City Fire District 23 Township ST. MATTHEWS Land Class R-<10-HS ETJ RA Spec Dist(s) Zoning R-6 History ID 1 History ID 2 Acreage .78 Permit Date Permit #		Transfer Information Deed Date 6/11/2015 Book & Page 16046 2751 Revenue Stamps Pkg Sale Date 5/29/1992 Pkg Sale Price \$76,500 Land Sale Date Land Sale Price Improvement Summary Total Units 1 Recycle Units 1 Apt/SC Sqft Heated Area 1,195	Assessed Value Land Value \$50,000 Assessed Bldg. Value \$96,965 Assessed Tax Relief Land Use Value Use Value Deferment Historic Deferment Total Deferred Value Use/Hist/Tax Relief Assessed Total Value \$146,965 Assessed*

*Wake County assessed building and land values reflect the market value as of January 1, 2008, which is the date of the last county-wide revaluation. Any inflation, deflation or other economic changes occurring after this date does not affect the assessed value of the property and cannot be lawfully considered when reviewing the value for adjustment.

The January 1, 2008 values will remain in effect until the next county-wide revaluation, which begins January 1, 2016. Until that time, any real estate accounts created or new construction built is assessed according to the 2008 Schedule of Values.

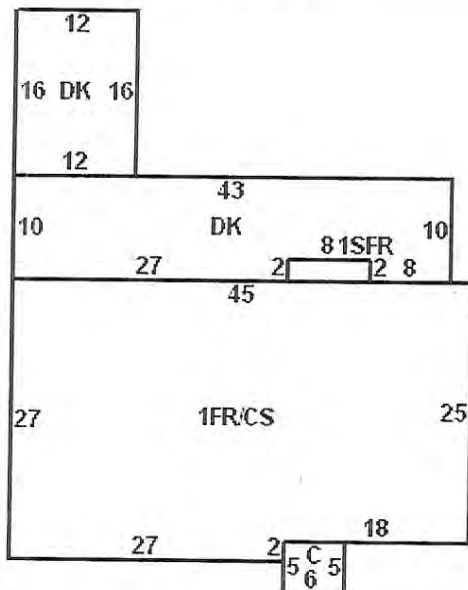
For questions regarding the information displayed on this site, please contact the Revenue Department at RevHelp@wakegov.com or call 919-856-5400.

Real Estate ID **0015375**PIN # **1725516766**Location Address
3713 ECK DRProperty Description
LO3A BLK19 S 4 SKYCREST VILL BM1984-00831Account
Search[Pin/Parcel History](#) [Search Results](#) [New Search](#)[Account](#) | [Buildings](#) | [Land](#) | [Deeds](#) | [Notes](#) | [Sales](#) | [Photos](#) | [Tax Bill](#) | [Map](#)

Building Location Address		Building Description		Card 01 Of 01	
3713 ECK DR		17RA027			
Bldg Type	01 Single Family	Year Blt	1984	Eff Year	1984
Units	1	Addns		Remod	
Heated Area	1,195	Int. Adjust.			
Story Height	1 Story	Other Features			
Style	Conventional				
Basement	Crawl Space				
Exterior	Frame				
Const Type					
Heating	Central				
Air Cond	Central				
Plumbing	2 BATH				
		Base Bldg Value			\$104,176
		Grade	C+05		105%
		Cond %	B		82%
		Market Adj.			
		Market Adj.			
		Accrued %			82%
		Incomplete Code			
		Card 01 Value			\$96,965
		All Other Cards			
		Land Value Assessed			\$50,000
		Total Value Assessed			\$146,965

Main and Addition Summary					Other Improvements					
Story	Type	Code	Area	Inc	Units	DesItem	Code	Year	% Inc	Value
M	1	FR/CS								
A		DK	1179							
B		@	414		12X16	SF SHED	0060	1984	40	460
C		@	192		16X28	SF POOLRES	0217	1998	70	6810
D		=	30							
E	1	SFR	16							
F										
G										
H										

Building Sketch

Photograph
3/1/2013

0015375 03/01/2013

Adjacent Property Owners

Joan and Peter Tepfer
3801 Eck Drive
Raleigh, NC 27604
PIN: 1725517876

James Charest
1200 Caroline Street
Winchester, VA 22601
Property Address: 3709 Eck Drive
PIN: 1725515703

Michelle Topal
3700 Eck Drive
Raleigh, NC 27604
PIN: 1725516541

Lynette Adams
816 Woodland Road
Raleigh, NC 27603
Property Address: 3708 Eck Drive
PIN: 1725517568

Jeffery Roseman
3665 Wickersham Way
Raleigh, NC 27604
PIN: 1725515980

Inez Montague
3669 Wickersham Way
Raleigh, NC 27604
PIN: 1725514858
MAIL: Glenn Montague
816 Oxgate Circle
Raleigh, NC 27615

Maria Emanuele
3661 Wickersham Way
Raleigh, NC 27604
PIN: 1725526002

Michael Allen
c/o Luke Allen, Jr.
3714 Marsh Creek Road
Raleigh, NC 27604
PIN: 1725528250

Philip Jewel
3805 Eck Drive
Raleigh, NC 27604
PIN: 1725518962

Ruby Barham
3619 Eck Drive
Raleigh, NC 27604
PIN: 1725513698

Annette Godwin
3800 Eck Drive
Raleigh, NC 27604
PIN: 1725519664

George Jewel
25929 Frederick Road
Hyattstown, MD 20871

